

GNVPN.019BUSA
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Group Art Unit: 1632
James M. Wilson et al)
Appln No. 09/242,977) Examiner: J. Martin
Filed: February 26, 1999)
For: METHOD FOR RECOMBINANT) October 23, 2000
ADENO-ASSOCIATED VIRUS)
DIRECTED GENE THERAPY)

Asst. Commissioner for Patents
Washington, DC 20231

DISCUSSION DRAFT FOR TELEPHONE INTERVIEW.

In the Claims:

Cancel claim 7.

21 (Amended). A composition comprising a recombinant adeno-associated virus (AAV) [according to claim 16] and a biologically compatible solution,

wherein said recombinant AAV comprises (a) 5' AAV inverted terminal repeats (ITRs), (b) a minigene comprising sequences encoding human apolipoprotein E (ApoE) under the control of sequences which direct its expression in a host cell, and (c) 3' AAV ITRs.

Kindly add new claims 23 - 27 as follows.

23. The composition according to claim 21, wherein the minigene comprises an inducible promoter.

24. The composition according to claim 21, wherein the minigene comprises a constitutive promoter.

25. The composition according to claim 24, wherein the promoter is selected from the cytomegalovirus immediate early promoter and the Rouse sarcoma virus LTR promoter.

26. The composition according to claim 21, wherein the composition comprises 2.5×10^{10} to 5×10^{10} genomes of rAAV.

27. The composition according to claim 21, wherein the composition comprises 5×10^{10} to 5×10^{11} genomes of rAAV.

28. A method of delivering apolipoprotein E (apoE) to a patient in need of treatment of atherosclerosis, said method comprising the step of administering a composition according to claim 1.

REMARKS

Claims 16 - 27 are pending.

Claim 7 has been canceled. The cancellation of claim 7 renders the rejections thereof moot.

Support for new claims 23 - 25 is found on page 13, lines 3-4, lines 7-10 and lines 30-34. Support for new claims 26 and 27 is found on page 44, line 12 - 16. Support for claim 28 is found on page 12, lines 1-6 and in Example 7.

No new matter is added by this rejection.